IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4296 of 2005

Between:

Alapati Subbarayudu Memorial Womens Degree College Ponnur, represented by its Secretary &Correspondent
Smt.Aplpati Arundhathi, W/o.Late Chalapathi Roa R/o.D.No.17-3-2,
Subbarayanagar Ponnur, Guntur District.

... PETITIONER

AND

1 Regional Provident Fund Commissioner Sub Regional Office,
Employees Provident Fund Organization
IIIrd Line, Krishna Nagar Guntur.
2 Assistant Provident Fund Commissioner Sub Regional Office,
Employees Provident Fund Organization
IIIrd Line, Krishna Nagar Guntur.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in demanding to pay a sum of Rs. 5,00,000/- orally without passing any orders in review petition as arbitrary, illegal and direct the respondents herein to review the assessment order dt.25.11.2004 passed in Enquiry Number 357/2004 and assess the dues basing on the correct salary particulars in the interest of justice.

Counsel for the Petitioner: MR.K.JAYA KUMAR

Counsel for the Respondents: MR.R.N.REDDY

The Court at the stage of made the following:

ORDER:

This writ petition is filed aggrieved by the alleged action of the second respondent-Assistant Provident Fund Commissioner in taking steps to recover the amount alleged to be due towards provident fund contributions, pending the review petition filed by the petitioner.

When the matter is taken up for consideration Mr.R.N.Reddy, learned standing counsel, states that the review petition has already been dismissed on 02-03-2005. It is also stated that no steps have yet been initiated for recovery of the amounts.

Since the petition to review the order under Section 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for short, 'the Act') has already been dismissed, I deem it appropriate to dispose of the writ petition granting leave and liberty to the petitioner to work out the remedy of Appeal as available under Section 7-I of the Act against the order dated 25-11-2004 passed under Section 7-A of the Act. If any such appeal is preferred within a period of four weeks from today, the same shall be entertained and appropriate orders be passed in accordance with law. Pending such appeal, there shall be stay of further proceedings in furtherance of the order dated 25-11-2004 subject to the condition

that the petitioner deposits 50% of the amount demanded under the said order dated 25-11-2004 within a period of six weeks from today.

The writ petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 04-03-2005

NOTE: Furnish C.C. by Monday.

LSK

To

1 Regional Provident Fund Commissioner Sub Regional Office,
Employees Provident Fund Organization
IIIrd Line, Krishna Nagar Guntur.
2 Assistant Provident Fund Commissioner Sub Regional Office,
Employees Provident Fund Organization
IIIrd Line, Krishna Nagar Guntur.

3 Two C.D. copies.